

31. (New) A method according to claim 29 wherein said first selection marker and said second selection marker comprise particular different antibiotic resistance genes.

32. (New) A method according to claim 30 wherein said first selection marker and said second selection marker comprise particular different antibiotic resistance genes.--

REMARKS

Reconsideration is requested.

Claims 1-3 and 5-18 have been canceled, without prejudice. The claims have been amended to place the application in condition for allowance by directing the claims to more closely reflect the exemplification of the invention in the specification. The applicants do not agree with the Examiner's comments expressed, for example, in the Advisory Action of September 17, 2001, and the amendments above have been made to advance prosecution and without prejudice to pursue further claims in a separate continuation and/or divisional applications.

The amended claims do not raise new issues requiring further search and/or consideration as the Examiner's indicated on page 4 of the Office Action dated February 27, 2001 (Paper No. 6)¹, that the specification is enabling for "a method for producing and recovering luciferase that is substantially free of a mutant luciferase *Escherichia coli* adenylate kinase that is enzymatically inactive at temperatures greater than or equal to 37° C using recombinant cells therefore, and methods for producing said cells" indicate any issues raised by the amended claims have been previously considered. The applicants acknowledge, with appreciation, this indication of subject matter the Examiner believes is supported by this specification however, the applicants respectfully

¹ Page 1 of the Office Action dated February 27, 2001, indicates the Office Action is Paper No. 6, while Page 2 of the Office Action indicates the same as Paper No. 4. The applicants will refer to the Office Action of February 27, 2001, herein as Paper No. 6.

submit that one of ordinary skill in the art would have been able to practice the invention of the amended claims, without undue experimentation. Accordingly, claim 19-32 are submitted to be supported by enabling specification.

The terms and phrases objected to by the Examiner in the Section 112, second paragraph, rejections of the now canceled claims have not been repeated above such that claims 19-32 are submitted to be definite.

Entry of the above amendments is requested to place the application in condition for allowance. Entry of the above and a Notice of Allowance are requested. The Examiner's requested to contact the undersigned is anything further is required in this regard.

Respectfully submitted,

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By: _____



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